

Rule Changes: Updates to SLD

May 9, 2022

Process

- Feedback collected through Office Hour Questions, Rule Changes Survey, conversations with teachers, administrators, community partner focus groups
- Categories of response
 - FAQs that we have immediate answers for
 - Changes to current guidance documents
 - Future documents/guidance
- When documents are updated there will be announcements via WFM and Admin Listservs

Current SLD Resources

Resources:

- [Specific Learning Disabilities: Guidelines for Determining Eligibility](#)
- [Specific Learning Disability \(SLD\) FAQs](#)
- [Specific Learning Disability: Multidisciplinary Evaluation Team Members and Responsibilities](#)
- [Determination of Eligibility: Specific Learning Disability](#) (Fillable Form)
- [Systematic Observation of Learning - Core Instruction](#) (Fillable Form)
- [Considerations for Appropriate Instruction Self-Assessment Tool](#) (Fillable Form)
- [Mathematics Worksheet](#) (Fillable Form)
- [Reading Worksheet](#) (Fillable Form)
- [Written Expression Worksheet](#) (Fillable Form)

Special Education (3-21) Rule Changes: SLD Guidelines

- Reviews rule change text, including the elimination of the discrepancy model
- Overview of the process for eligibility including five elements
 1. The student demonstrates a lack of adequate achievement in one of the eight basic skill areas when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards.
 2. The student demonstrates a lack of progress when provided with scientific research-based instruction and interventions.
 3. Underachievement is not the result of exclusionary factors, including visual, hearing or motor disability, intellectual disability, emotional disturbance, cultural factors environmental or economic disadvantage, limited English Proficiency, or lack of instruction in reading or math.
 4. Observational data reflect academic and behavioral performance within the classroom reflects area(s) of concern.
 5. Documented parental notifications and participation throughout the process.

Special Education (3-21) Rule Changes: Determination of Eligibility

Provides walkthrough and documentation for:

- Exclusionary factors
- Areas of concern/potential eligibility
- Requirements within the evaluation
- Assurances
- Team members

Special Education (3-21) Rule Changes: Observation and Instruction Forms

Observation Form supports teams to ensure that:

- 1) appropriate instruction was provided
- 2) evidence-based interventions were delivered.

Reading/Writing/Math and Instruction Self-Assessment Tools provide walkthrough assessing and providing evidence of instruction and intervention.

FAQs on Current Guidance

We are not ready.

The most significant trend in the feedback we have received from school personnel is a need for more. More people, more time, more training.

Those refrains have been heard and have been represented to the best of our abilities both to the other levels of leadership within the AOE and to the legislature. The mechanism for delay currently sits with our lawmakers.

We are pursuing other training and professional development options to give districts more the individualized support that is needed.

FAQs on Current Guidance (2)

What model do we pick RTI/PSW?

The option to select the eligibility model is up to the district. As long as it includes either a; “process based on the child's response to scientific, research-based intervention” ... or, “other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in §300.8(c)(10).”

Will there be changes to DocuSped/GoalView/Etc.?

The forms are being updated to reflect the changes in rules, but the AOE doesn't maintain any of the documentation platforms currently used in the states. The platform updates will be the responsibility of those vendors.

FAQs on Current Guidance (3)

How does the SLD eligibility process consider functional skills?

Eligibility for SLD is based on the academic basic skill areas (functional skills is not listed as a basic skill under SLD). That means an academic area of concern which needs to be addressed could be supplemented by functional or motor skills information, but the functional or motor skills alone would not be enough to prove the eligibility.

So, for example, a student identified with a deficit in reading comprehension using an RTI approach would need to demonstrate that progress had not been made in interventions. The eligibility information could include test scores and progress monitoring with additional support from functional skill information which may be related to either the student's focus, effort, or purposeful avoidance of tasks related to reading comprehension.

FAQs on Current Guidance (4)

What criteria does the state have for MTSS?

There are no criteria that define what supports will be considered to be part of a particular tier or what student concerns might require that those supports be provided.

Tiered systems of supports are part of [statute](#):

Also in [EQS 2021.5](#)

[Field Guide](#) (2019)

It is important to emphasize that MTSS is a model that describes a school system, beginning with tier 1 – universal instruction provided to all students. MTSS is not a program or series of placements. It is implied in statute that every school must have the capacity to offer additional levels of support and at the very least, have an Educational Support Team (EST) that is available to create, monitor and keep a record of the additional supports it provides.

FAQs on Current Guidance (5)

What tests should we be using for SLD determination?

There is no specific standard or test for every evaluation or eligibility conversation. The recommendations and requirements will be highly dependent on the basic skill area under consideration and the strategy used to determine eligibility (RTI, PSW etc.)

Teams may consider;

- A hearing and vision screening rule out any exclusionary factors,
- A cognitive evaluation to determine a cognitive profile of the student and any learning characteristics that might stem from that profile,
- Individualized achievement testing to help identify specific areas of academic concern,
- Assessment of functional skills to determining the impact of non-academic skills,
- Classroom progress measures

FAQs on Current Guidance (6)

Is parental notification required to start Tier 2 interventions?

Family involvement takes place at all tiers of intervention.

We are aware that there are LEAs that have a procedural or policy requirement for parental notice or consent prior to implementing tier 2 supports. This is not a Vermont requirement.

This practice seems to suggest a model with a menu of tier 2 supports that is accessed through a formal process. There is nothing that prohibits an LEA from this approach, but it is at variance with AOE guidance that recommends layered supports, provided as needed based on individual student needs.

We strongly recommend collaboration with families at all times and especially if concerns arise about a student's progress, comfort, or safety in school.

FAQs on Current Guidance (7)

How do we determine Tier 1 has been delivered with fidelity and evidence-based practices?

Core instruction (tier 1) is ongoing for all students. It is the responsibility of the school administration to ensure that their coordinated curriculum is standards-based and delivered with fidelity.

The LEA is also required to maintain a local comprehensive assessment system that will (among other things) measure student progress in a variety of ways over different timeframes to determine the effectiveness of instruction. Finally, Each LEA is required to use evidence gathered to provide appropriate professional learning for staff to support their ability to deliver instruction.

The SLD resources contain a set of tools that can support this process as well.

- [Systematic Observation of Learning - Core Instruction](#) (Fillable Form)
- [Considerations for Appropriate Instruction Self-Assessment Tool](#) (Fillable Form)
- [Mathematics Worksheet](#) (Fillable Form)
- [Reading Worksheet](#) (Fillable Form)
- [Written Expression Worksheet](#) (Fillable Form)

FAQs on Current Guidance (8)

When does an EPT meeting occur within an RTI process?

Within the VTmtss Framework an EPT meeting occurs whenever a request is made for an evaluation from a parent or other professional supporting the student, or when the EST suggests an evaluation be considered.

It is inaccurate to locate the EPT within the RtI process. A team, possibly an EST, may review data from an RtI process to inform a decision to refer a student for special education evaluation. This decision is typically a result of data showing that a student has not made anticipated progress, combined with the expertise and judgment of team members.

Adverse Effect: Upcoming Changes

1. Form 2 is being updated to ensure alignment with rule changes.
2. Chart of Measures document is being updated to include additional examples and appropriate measures.
3. SLD Guidance Documents are being updated to clarify that Functional Skills was not added to the skill categories under consideration for eligibility.
4. SLD Guidance For Eligibility updated to include resources and contacts for PSW.

Adverse Effect: Upcoming Changes (2)

1. Evaluations Manual is being updated to include:
 - Links to resources from the AOE on specific assessments to use to evaluate in the area of functional skills.
 - An Eligibility Determination section that provides a broad overview of the PSW and RTI processes for determining SLD and provides a Real World Scenario to illustrate an example of how a team may use this process. Additionally, we highlight in the Assessment Planning section the importance of determining who will administer an assessment with the Determination process in mind.
 - An Assessment Planning section that speaks specifically to reviewing existing data, determining what assessments to administer based on student needs (including consideration of a variety of assessments and assessment types) and thoughtful planning for who should administer the assessment (someone who is not only trained in administering but also interpreting the results of a given assessment).
 - A section fully dedicated to Eligibility Determination including several checklists to guide an EPT through making a decision. The Eligibility Determination section also connects to the Assessment Process and illustrates for teams the connection between how they prepare for and administer assessments and the data provided to help facilitate a determination decision.